

REMARKS

The present application is a continuation application based parent U.S. Patent Application Serial No. 09/564,927 (now U.S. Patent No. 6,704,352).

Claims 1-20 were originally filed in the present application, based on Claims 1-20 of parent U.S. Patent Application Serial No. 09/564,927.

Claims 1-20 were cancelled in a Preliminary Amendment filed with the present application on January 21, 2004.

Claims 21-46 were added to the present application by the Preliminary Amendment filed on January 21, 2004.

Claims 21-46 remain pending in the present application. Reconsideration of Claims 21-46 in view of the following comments is respectfully requested.

In Section 1 of the September 16, 2004 Office Action, the Examiner objected to Claim 8 and Claim 12 due to minor informalities. The Applicant respectfully disagrees with these objections and notes that Claims 8 and 12 were cancelled from the present application by the January 21, 2004 Preliminary Amendment.

In Section 2 of the September 16, 2004 Office Action, the Examiner rejected Claims 4, 12, and 15-20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Applicant respectfully disagrees with the rejections under 35 U.S.C. §112, second paragraph, and

notes that Claims 4, 12, and 15-20 were cancelled from the present application by the January 21, 2004 Preliminary Amendment.

In Sections 3 and 4 of the September 16, 2004 Office Action, the Examiner rejected Claims 1, 2 and 7-9 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,590,477 to *Regnier et al.* (“*Regnier*”). The Applicant respectfully disagrees with the rejections under 35 U.S.C. §102(b) and notes that Claims 1, 2 and 7-9 were cancelled from the present application by the January 21, 2004 Preliminary Amendment.

In Sections 5-7 of the September 16, 2004 Office Action, the Examiner rejected Claims 3, 6, 11 and 14 under 35 U.S.C. §103(a) as being unpatentable over *Regnier* in view of United States Patent No. 5,689,267 to *Cope et al.* (“*Cope*”) and further in view of United States Patent No. 6,195,036 to *Zybin* (“*Zybin*”). The Applicant respectfully disagrees with the rejections under 35 U.S.C. §103(a) and notes that Claims 3, 6, 11 and 14 were cancelled from the present application by the January 21, 2004 Preliminary Amendment.

In Sections 8 and 9 of the September 16, 2004 Office Action, the Examiner rejected Claims 1-16 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-16 of United States Patent No. 6,704,352. The Applicant respectfully disagrees with the rejections under the judicially-created doctrine of obviousness-type double patenting and notes that Claims 1-16 were cancelled from the present application by the January 21, 2004 Preliminary Amendment.

In Sections 10 and 11 of the September 16, 2004 Office Action, the Examiner rejected Claims 17-20 under 35 U.S.C. §101 as claiming the same invention as that of Claims 17-20 of United States Patent No. 6,704,352. The Applicant respectfully disagrees with the double patenting rejection under 35 U.S.C. §101 and notes that Claims 17-20 were cancelled from the present application by the January 21, 2004 Preliminary Amendment.

It appears that Claims 1-20 were not properly cancelled from the present application and that Claims 21-46 were not properly added to the present application. In view of this, the Applicant respectfully asserts that the September 16, 2004 Office Action is defective and requests that it be withdrawn and that a new Office Action that examines Claims 21-46 be issued.

On Friday, December 3rd, 2004, the undersigned left a voice message for Examiner Khai Tran explaining the defects of the September 16, 2004 Office Action and requesting that a new Office Action be issued. The following week, Examiner Khai Tran left a voice message for the undersigned stating that the September 16, 2004 Office Action was defective and that a new Office Action would be issued.

This reply is being filed to confirm the problems with the September 16, 2004 Office Action and to acknowledge that a new Office Action will be issued.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.

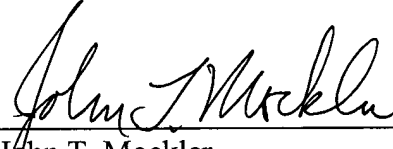
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 15 Dec. 2004

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *jmockler@davismunck.com*



John T. Mockler
Registration No. 39,775